

Application No. 10/647,191
Amendment dated March 3, 2006
Reply to Office Action of January 11, 2006

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Docket No.: 58289(72021)

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application. Applicants further request reconsideration of the subject application based on the instant amendments and following remarks.

Claims 1-10, 12-21, 24, 25, 28, 29, and 31-47 are pending in the instant application. Claims 36-44 are currently withdrawn from consideration. Claims 1, 2, 20, and 28 have been amended and claims 11, 22, 23, 26, 27, and 30 have been cancelled. The instant amendments have been made solely to exclude non-elected subject matter from the application. Applicants reserve the right to pursue the cancelled subject matter in one or more divisional or continuation applications. No new matter has been added by the claim amendments.

Claims 1-31 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-31 of U.S. Patent 6,884,815. Applicants submit herewith a proper terminal disclaimer with respect to the '815 Patent in order to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are requested.

Applicants request rejoinder of the method claims (e.g., claims 36-44) of commensurate scope to the composition of matter claims upon allowance of claims directed to the elected invention. Claims 36-44 provide methods which use a compound of claim 1. Claim 1 has been amended to exclude non-elected subject matter. Thus, the scope of claims 36-44 as presented is commensurate to the scope of claim 1.

Although it is not believed that any additional fees are needed to consider this submission, the Examiner is hereby authorized to charge our deposit account no. 04-1105 should any fee be deemed necessary.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: March 10, 2006

Respectfully submitted,

By 

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